

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

DENNIS J. POOLE &
SANDRA N POOLE,

Debtors.
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kp7299/MP
August 19, 2020
2:00 PM

Case No. 15-23482-SHL-13

Hon. SEAN H. LANE

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the within application, Krista M. Preuss, Chapter 13 Trustee, will move this court before the Hon. Sean H. Lane, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at 300 Quarropas, White Plains, NY 10601-4150, on the 19th day of August, 2020 at 2:00 PM, or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. §1307(c) for cause, dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Krista M. Preuss, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: White Plains, New York
July 27, 2020

s/ Krista M. Preuss
Krista M. Preuss, Chapter 13 Trustee
399 Knollwood Road, Ste 102
White Plains, NY 10603
(914) 328-6333

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Case No: 15-23482-SHL-13

DENNIS J. POOLE &
SANDRA N POOLE,

Hon. SEAN H. LANE

APPLICATION

Debtors.
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TO THE HONORABLE SEAN H. LANE, U.S. BANKRUPTCY JUDGE:

KRISTA M. PREUSS, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtors commenced this Chapter 13 case by filing a voluntary petition on October 9, 2015. Thereafter, KRISTA M. PREUSS was duly appointed and qualified as Trustee.
2. The Chapter 13 Plan will expire as of October 2020; however, the Debtor has failed to:
 - a. file with the Court a certification that all amounts payable under a domestic support obligation have been paid as required by 11 U.S.C. §1328(a).
3. The deficiencies as stated above impede the Trustee's ability to administer this case and, therefore, is a default that is prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).
4. The foregoing constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an order dismissing this Chapter 13 case and such other and further relief as may seem just and proper.

Date: July 27, 2020
White Plains, New York

/s/ Krista M. Preuss
Krista M. Preuss, Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Case No: 15-23482-SHL-13

DENNIS J. POOLE &
SANDRA N POOLE,

**CERTIFICATE OF SERVICE
BY MAIL**

Debtors.

-----X

This is to certify that I, Michelle Puma, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

DENNIS J. POOLE
17 CENTRAL DRIVE
NANUET, NY 10954

SANDRA N POOLE
17 CENTRAL DRIVE
NANUET, NY 10954

BENJAMIN M. ADAMS
ADAMS LAW GROUP, LLC
145 MAIN STREET, 2ND FLOOR
NYACK, NY 10960

HELFAND & HELFAND
350 FIFTH AVENUE
SUITE 5330
NEW YORK NEW YORK 10118

PRANALI DATTE, ESQ.
ATTORNEYS FOR WELLS FARGO BANK, N.A.
ONE OLD COUNTRY ROAD
SUITE 113
CARLE PLACE NEW YORK 11514

This July 27, 2020
s/Michelle Puma
Michelle Puma, Clerk
Office of the Standing Chapter 13 Trustee
Krista M. Preuss, Esq.
399 Knollwood Road, Suite 102
White Plains, NY 10603
(914) 328-6333

CASE NO: 15-23482-SHL-13
Hon. SEAN H. LANE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

DENNIS J. POOLE &
SANDRA N POOLE,

Debtors.

NOTICE OF MOTION AND APPLICATION TO DISMISS CASE

KRISTA M. PREUSS, TRUSTEE
399 KNOLLWOOD ROAD, STE 102
WHITE PLAINS, NY 10603
(914) 328-6333